

Appl No. 10/071,786

Response dated August 5, 2004

Reply to Office Action of July 13, 2004

REMARKS

This is a response to the Office Action dated July 13, 2004. There are no art rejections in the case. The Examiner rejects claims 1-10 under 35 U.S.C. section 112 as failing to comply with the written description requirement. In that rejection the Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner then refers to the objections to the specification.

In the objection to the specification (page 2 of the Office Action), the Examiner comments that the disclosed toggle bolt assembly includes an elongated body with a threaded bore and a shaft 14 that passes through the bore and actuates the locking members 21 rotated. The Examiner then states that the shaft 14 is also disclosed as being threaded so that when it rotates it also moves in an axial direction. The Examiner further states that the locking members 20 are disclosed as being connected to the shaft 14, so that when the shaft is rotating the locking members not only move in and out radially but they also move up and down axially. According to the Examiner, this axial movement of the locking members is not disclosed (or is there any structural means or compensation for it disclosed, such as sufficient space in the body openings 23). The Examiner further states that this compound movement of the locking members will also have an effect on the basic function of the fastener. The Examiner states that the locking members "can jam against the backside of the panel being fastened either on their way out or on their way in due to axial movement".

This rejection under section 112 is respectively traversed.

The Examiner is requested to review figures 1 and 6 of the drawings. The Examiner is also requested to review page 5 lines 18-25 of the specification. The plate 18 in figure 1 is positioned in between the nut 17 and body 11. The specification states that the shaft has internal threads 15 that engage the internal threads of the central longitudinal bore 13. As stated in the specification, when the shaft 14 is rotated, it also moves a slight distance linearly because of the engagement of the external threads 15 of the shaft 14 and the internal threads of the body 11 at the central longitudinal

Appl No. 10/071,786
Response dated August 5, 2004
Reply to Office Action of July 13, 2004

bore 13. The shaft 14 has a threaded end portion 16 that receives a locking nut 17. Clearly, one skilled in the art will recognize that the clearance between the plate 18 and the body 11 is defined by the position of the nut on the shaft 16. One skilled in the art will immediately recognize that the position of the nut 17 defines clearance between the plate 18 and the body 11 to accommodate the slight axial movement of the shaft. As noted in figures 4, 4A and 5, the locking members 20 travel with the plate 18, being mounted on the pegs 22. As stated in the specification at page 5, lines 26-27, the shaft 14 has a threaded end portion 16 that receives a locking nut 17. Even if one skilled in the art were to tighten the locking nut 17 so tight that no axial movement is permitted, such a person skilled in the art would very quickly realize that the nut could be loosened slightly so that axial movement is allowed.

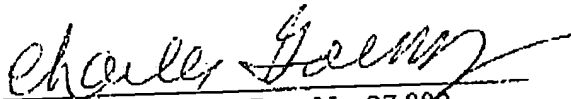
Reconsideration and a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,



Charles C. Garvey, Jr., Reg. No. 27,889

Gregory C. Smith, Reg. No. 29,441

Seth M. Nehrbass, Reg. No. 31,281

Stephen R. Doody, Reg. No. 29,062

Brett A. North, Reg. No. 42,040

GARVEY, SMITH, NEHRBASS & DOODY, L.L.C.

PTO Customer No. 22920

3838 N. Causeway Blvd., Suite 3290